



PATENT APPLICATION
Atty. Docket No. CPC-006C2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) Biondi et al.

SERIAL NO.: 10/716,896

GROUP NO.: 3743

FILED: November 17, 2003

EXAMINER: Teena Mitchell

TITLE: A SYSTEM FOR AUTOMATICALLY WEANING A PATIENT FROM A VENTILATOR, AND METHOD THEREOF

TERMINAL DISCLAIMER

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

I, James W. Biondi, M.D., state that I am authorized to sign on behalf of the Cardiopulmonary Corporation, identified below as the assignee of the entire right, title and interest in and to the above-identified patent application, U.S. Application Serial No. 10/716,896. I have reviewed all the evidentiary documents referred to in the instant Terminal Disclaimer and certify that, to the best of my knowledge and belief, title to the above-identified application is in the name of Cardiopulmonary Corporation.

Cardiopulmonary Corporation, of 200 Cascade Boulevard, Milford, CT 06460, is the owner of the above-referenced U.S. Application Serial No. 10/716,896 filed by Biondi et al. on May 2, 2005, and former U.S. Application Serial No. 09/767,173, filed January 22, 2001 and issued as U.S. 6,463,930 on October 15, 2002. Title to these patent documents currently is in the name of Cardiopulmonary Corporation, by virtue of an assignment and subsequent submission for recordation of the assignment of the parent application, U.S. Application Serial No. 09/767,173, now U.S. Patent No. 6,463,930 in the United States Patent and Trademark Office at reel 013328, frame 0401.

Applicants: Biondi et al.
USSN: 10/716,896
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Page 2, Terminal Disclaimer

Cardiopulmonary Corporation hereby disclaims the terminal portion of the term of patent granted on the instant U.S. Application Serial No. 10/716,896 which would extend beyond the expiration date of the full statutory term of the patent U.S. 6,463,930. Cardiopulmonary Corporation hereby agrees that the patent so granted on the instant application U.S. Application Serial No. 10/716,896 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to patent U.S. 6,463,930, and to any U.S. patent that issues from U.S. Application Serial No. 10/716,896, and that this agreement shall be binding upon the grantor and its or their successors or assigns.

Cardiopulmonary Corporation does not disclaim any terminal portion of the term of patent granted on the instant U.S. Application Serial No. 10/716,896 prior to the expiration date of the full statutory term of the patent granted on said application, in the event that U.S. 6,463,930 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole, has all claims canceled by a re-examination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

CARDIOPULMONARY CORPORATION

Date: 7/22/05

By: 
James W. Biondi, M.D.
Chief Executive Officer